

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

WILLIE JAMES CLEMMONS, JR.,

Plaintiff,

vs.

HERBIE JOHNSON, et al.,

Defendants.

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CIVIL ACTION NO. 2:08-CV-243.WHA

REPORT BY DEFENDANTS

COMES NOW the Defendants, HERBIE JOHNSON, MARY MATTHEWS and LYN NEWCOMB, in the above-styled matter, by and through their counsel, and after a review of the subject matter of the Complaint provides to this Honorable Court a report as requested by Order dated April 4, 2008.

A. FACTS AND CIRCUMSTANCES

The Plaintiff, WILLIE JAMES CLEMMONS, JR., was incarcerated in the Autauga County Metro Jail awaiting trial for various charges dealing with Receiving Stolen Property, 1st degree, Theft of Property, 3rd degree, Possession of Forged Instrument, 2nd degree.

The Plaintiff's complaint appears to revolve around an allegation of being placed on suicide watch and having to undress in front of female jailers. See attached statement of Jailer Mary Matthews attached hereto as Exhibit "A" and which is made a part hereof and which provides the Defendant's summary of the facts and circumstances surrounding this matter. Also, see attached statement of Nurse Paula Moates attached to Report filed by remaining defendants in this matter and which is made a part hereof and which provides additional information concerning the facts and circumstances surrounding Plaintiff's claim of medical abuse.

At the present time, the Plaintiff is no longer in the Autauga County Metro Jail.

B. CORRECTIVE ACTION BY PRISON OFFICIALS

The Autauga County Sheriff's Office does not see a need to take any corrective action since it feels that its present policies and procedures dealing with inmate medical attention and menu are appropriate.

C. OTHER COMPLAINTS

The other complaints known to the Defendants deal with a Complaint pending in this Court by the following individuals:

Robert Lee Allen v. Autauga County Sheriff Dept., et al., under Civil Action No. 2:07-CV-982-WKW dealing with a claim of wrongful arrest.

Willie James Clemmons, Jr. v. Herbie Johnson, et al., under Civil Action No. 2:08-CV-160-WKW.

The allegations in this Complaint do not appear to be similar with the above case filed by Robert Lee Allen such as to justify consolidation.

The allegations in this Complaint do appear to be similar with the above case filed by Willie James Clemmons, Jr. to justify consolidation.

The Defendants claim the defenses of immunity and qualified immunity.

DATED: May 14, 2008.



J. ROBERT FAULK (FAU002)
Attorney for Defendants

OF COUNSEL:

McDOWELL, FAULK & McDOWELL, L.L.C.

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CERTIFICATE OF SERVICE

I hereby certify that I have on the 14th day of May, 2008 served a copy of the foregoing on Willie James Clemmons, Jr. by placing a copy of same in the U. S. Mail, postage prepaid and properly addressed as follows:

Willie James Clemmons, Jr.

1417 County Road 161

Marbury, AL 36051

Wayne P. Turner, Esq.

1505 Madison Avenue

Montgomery, AL 36107



J. ROBERT FAULK

EXHIBIT A

STATE OF ALABAMA

COUNTY OF AUTAUGA

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared MARY MATTHEWS, whose name is signed to this Affidavit and who is know to me and who being by me first duly sworn, doth depose and say as follows:

My name is MARY MATTHEWS and I am a Jailer for Autauga County, Alabama. I have been a Jailer for 2 ½ years.

The purpose of this Affidavit is to provide to the Honorable Court the facts and circumstances surrounding a Complaint filed in this Court by WILLIE JAMES CLEMMONS, JR. by Civil Action No. 2:08-CV-243.WHA.

Willie James Clemmons, Jr. was an inmate in the Autauga County Metro Jail being held on a number of charges for Autauga County and the City of Prattville. He entered the Autauga County Metro Jail on January 17, 2008 and was bonded out on April 7, 2008. He files this Complaint with this Honorable Court alleging that he was placed on suicide watch and had to undress in front of female jailers while an inmate in the Autauga County Metro Jail.


I provide the following information from my perspective and to address the concerns of Mr. Clemmons. Mr. Clemmons stated on three separate occasions to Nurse Paula Moates about wanting to commit suicide. Then I asked him if he was going to commit suicide and he stated that he was. As a result of Mr. Clemmons' statements, it was determined by medical personnel that he should be placed on suicide watch.

In accordance with jail policy, I took him to the cell used for suicide watch. He was asked to remove his cloths and place a gown on, all for his safety. He refused to remove his cloths and I asked Lyn Newcomb, supervisor, to come and assist me. When she came, we asked again for him to put the gown on. At this time he removed his shirt and put the gown on his body. We then requested that he remove his pants and he did so. At no time was Mr. Clemmons' "butt-naked" as he alleged and at no time did anyone laugh at him.

Mr. Clemmons maintains that he was placed in a cell with John Wood, III and Jerry Harris on March 22, 2008. We checked the jail records and find that those two inmates were in Cell No. 404 while Mr. Clemmons was in Cell No. 403. Although, Mr. Clemmons was not alone in his cell as he was in there with Christopher Berry. The cell that he was placed in is located immediately across from the central control tower, the cell has a glass door and a glass window which is visible from the central control tower at all times, the central control tower has a camera that is aimed at the cells used for suicide watch and the hall way is constantly monitored by jail personnel. This is also a very high traffic area and was designed to enhance of the cells visibility. At no time was Mr. Clemmons in any danger and, in fact, the placement of him with another inmate adds to his safety because he can also keep a watch in the event of an emergency. Mr. Clemmons was never attacked, harassed or harmed in any way while he was on suicide watch.


As to Mr. Clemmons' complaint about physical exams, he was shown his file and was told there was no evidence in such of him having taking a physical exam. It is required by medical staff that such be in the file; hence, he was instructed to have a physical. He was not harmed by the physical and did cooperate in allowing such to take place.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 14th day of May, 2008.



MARY MATTHEWS
Jailer
Autauga Metro Jail

SWORN TO and SUBSCRIBED to before me on this the 14th day of May, 2008



NOTARY PUBLIC

My Commission Expires:

H:\LIT\Autauga County\Clemmons.2008-251\Affidavit of Mary Matthews.wpd

J. Robert Faulk
My Commission Expires
August 11, 2011